

Swachh Bharat's forgotten soldiers

They live and die off official rolls, on the fringes of ambitious govt cleanliness missions, and down the drains of cities.

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Written by **Shalini Nair** | Updated: October 1, 2017 8:07 am



On the anniversary of Swachh Bharat, Shalini Nair enters the worlds of three of the nameless, faceless: Titu, Joney, Tarzan. (Express Photo: Tashi Tobgyal)

It's 5 am. In the darkness of the pre-dawn sky, dispelled only partially by the dim streetlights, Titu pries open the 80-kg manhole lid with a crowbar. A few dozen

cockroaches escape from underneath the lid as does a putrid stench that permeates the air. “Live cockroaches are a good sign. This is how we know that gas levels inside aren’t deadly enough to kill us instantly,” says Titu.

Titu, 25, calls himself “senior” — he started descending into sewers when he was only 15 years old after his father, a municipal sweeper, was paralysed by a stroke. His “junior” Joney, 21, strips down to an underwear, fastens a harness around his shoulder, and lowers his bare body into the 7-ft-deep pit. The other end of the rope is left outside just in case the fumes inside are so strong that they knock him out unconscious. Wading waist-deep in the cesspit of human excreta and decomposed garbage, Joney cups his hands together, scoops out the sludge that has blocked the sewer and piles it into the bucket that has been lowered down with a rope. The bucket, once filled to the brim, is pulled out, emptied by a third co-worker, Tarzan, who then lowers it back in. At day break, the mounds of emptied-out muck will be ferried off to the community bin by Vimla, the safai wali.



As another anniversary of the Swachh Bharat Mission approaches on October 2, Ghaziabad, like municipalities elsewhere, is rushing to clean up its act, with a

renewed thrust on building toilets. But across the country, every few days, men die entering clogged sewer pits, overpowered by the toxic gases inside. The deaths jolt, but only temporarily.

Ghaziabad is racing to meet another deadline of the government: It is one of the proposed smart cities. In lanes such as those where Titu works, there is little to show for either.

The municipal corporation has merely 10 jetting machines and two super-sucker machines for cleaning the main sewers in its 100 civic wards that are spread over an area of 220 sq km. For the service lines inside the narrower lanes, municipal officials confirm that there is not a single small machine available. The gap is filled by a legion of contract or daily-wage workers such as Titu, Joney, Tarzan, all Balmiki Dalits, who do the job for the municipal body.

Bezwada Wilson, Magsaysay awardee and founder of the Safai Karamchari Andolan, says that at the time of launching the Swachh Bharat Mission three years ago, eliminating manual scavenging in cities and villages was talked about extensively but since then, the entire focus is on counting the number of toilets constructed. ‘Municipalities, railways, state government agencies, all are responsible for being the largest employers of manual scavengers, either directly or through contractors. But they are all in denial mode. Dalit lives don’t matter,’ he says.



It has been two decades since the Ministry of Social Justice, set up for the betterment of Dalits, outlawed manual scavenging in India. Till date, Balmiki women in the countryside carry human waste from dry latrines on their heads while men, both in villages and cities, begin their day by cleaning the septic tanks and sewers, often contracted to do the work by municipal and government agencies.

While manual scavenging was outlawed in 1993, the use of men for cleaning of sewers and septic tanks was recognised as manual scavenging only as recently as 2013 in the amended The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. The legislation required a survey of those engaged in all forms of manual scavenging to be completed within two months. Four years later, with the official data accounting for merely 13,368 manual scavengers, officials say that only those many are eligible for rehabilitation.

Statistics are telling. The lack of it even more so. In the case of manual scavengers, not accounting for their lives and deaths makes it easier to deny their very existence.

Delhi's sewers and septic tanks alone have claimed a total of 12 lives over the last three months. But as per the official numbers available with the Union Ministry of Social Justice and Empowerment, the country's capital has zero manual scavengers.

Twenty-two other states, including Maharashtra, Gujarat, Haryana, and Jharkhand, also show not a single case of manual scavenging either in its cities or its villages. Barring the three states of UP, Karnataka, and Punjab, none admit to having manual scavengers in their villages.

Compare this to the Socio Economic Caste Census, which shows that in rural India alone, 1.82 lakh households have at least one member working as a manual scavenger. Then there are Census 2011 numbers, which show that a total of 21 lakh households either dispose their night-soil in open drains or use dry latrines, both of which need to be serviced by manual scavengers. Both SECC and Census data do not take into account those engaged in the far more perilous forms of the practice — the cleaning of septic tanks and sewage systems.

So if they don't exist, who are the men who have been entering the sewage pits and dying?

Data compiled by the Union government, based on media reports, states that in the seven years since 2010, there have been a little over 70 cases of people who have died while cleaning septic tanks and sewers across the country. However, according to the Safai Karamchari Andolan (SKA), the petitioner in the Supreme Court case on the matter, in the nine months of this year alone, there have been 107 verified instances of such deaths. The SKA pegs the body count at 1,560 since 1993,

when manual scavenging was first outlawed in India. "In 2014, the Supreme Court had ordered payment of Rs 10 lakh in all cases of deaths since 1993. Our numbers are an underestimate based on whatever data we could gather on cases prior to the court judgment," says the SKA's Divas Vats.



Every day at 4 am, Titu and Joney travel 15 km from Bhadauli village in Ghaziabad district to the town, mostly in shared tempos and partially on foot. By 7 am, the neighbourhood of Raj Nagar, Sanjay Nagar, and Kavi Nagar in Ghaziabad comes alive, and before that, they have to finish cleaning 15-20 manholes. “We enter each manhole once in 20 days and clean it. The sewers have to be unclogged before the people are up and start flushing their toilets, else the muck starts rising while we are still inside,” says Titu.

Most of the manholes today are in the narrow alleys between two rows of houses and shops. These are the most difficult to clean. In addition to the human waste from toilets, homes here also spew out plastic bottles/bags, condoms and garbage, and restaurants throw out food and oil, all of which make their way from the small nullahs outside homes into the sewers, clogging them further. At one point, the muck that Joney scoops out has a bunch of blades in it. Titu points to the stitches and deep cuts on his feet and talks of his many infections and injuries from stepping bare-foot on sharp objects.

An hour later, as day breaks and work moves to the main road, the 7 am deadline appears even more daunting. Tarzan opens a manhole lid and inside, the black

slime starts bubbling. One of them lights a match and drops it inside. The air above the slime instantly bursts into flames. “The gas is very concentrated here. Not safe to go in,” he declares. Tarzan stirs the sludge with a bamboo stick while Titu opens

another manhole lid, at the other end of the street, so that the gases dissipate. Ten minutes later, Joney enters the manhole and, as expected, waste from the toilets of the now-awake neighbourhood starts gushing into the manholes.

Titu’s co-worker, whom he fondly refers to as “Veeru bhaiya”, died on September 11. Unlike the many recent cases of deaths inside sewers due to asphyxiation, Veeru’s death never made any headlines. He had simply taken ill due to breathlessness and passed away within days of being admitted to a hospital.

Despite having worked inside the city’s sewers for more than two decades, at the time of his death, Veeru was still not a permanent municipal worker. Like Titu, he too earned Rs 7,500 a month or Rs 250 a day and never had access to basic protective gear, preventive healthcare, or medical facility.



In Veeru's one-room tenement, which has been without electric supply for last two days owing to unpaid bills, his wife and children are still clueless about the ailment he suffered from. "Bus, doctor ne kaha ki fefde puri tarah sikud gaye hain. Unme paani bhi bhara hua tha (The doctor said his lungs had shrunk entirely. There was also fluid in them)," she says, pointing to the surreal blur that is his chest X-ray. His family is not eligible for the Rs 10 lakh compensation that sewer accident deaths cases get. As far as official records are concerned, Veeru had died a natural death, at the age of 45.

Occupational health expert Dr Ashish Mittal has documented the high mortality and morbidity rates of sewer and septic tank workers. In his two studies, titled *Down the Drain* (2014) and *Hole to Hell* (2006), he states how life expectancy of sewerage workers is 10 years less than the national average and that while fatal sewer accidents are frequent, most workers die from chronic illnesses, top amongst which are respiratory diseases. The studies point out that the sewage gases are a potent mix of methane, hydrogen sulphide, ammonia, carbon dioxide, sulphur dioxide and nitrogen oxides.

A medical examination of 200 such workers pointed to the "irreversible damage such hazardous exposure does to the organ systems". "Sixty-five percent of those examined had high eosinophil count, which meant their bodies were constantly fighting infections. Very few reached their retirement age of 60 years. In the course of our one-year study, of the 200 workers, two died of chronic infections and one due to accident inside the sewer," he says.



In South Delhi's Lajpat Nagar, Rakesh Masicharan is still haunted by the sight of a manhole engorged with the bodies of three of his co-workers. He clenches his fist to show off the six silver rings on his fingers. In his 20 years of wading chest-deep in cesspools of faeces and muck, he says, he has had many a precious find of gold chains and rings, which get into manholes from the sinks and bathrooms. With a sheepish grin, he adds, "Iska laalach hai toh kaam kar paata hoon (The greed for these makes the work bearable)."

On that fateful day, in August this year, he was hired by a contractor who told him that the Delhi Jal Board (DJB) wanted blockage cleared along two dozen manholes. He and the three other boys were to get Rs 100 each per dhakkan (manhole lid). One of the boys lowered himself into the 20-ft-deep pit without a rope. Within minutes, he drifted from a state of unconsciousness to death. One by one, the remaining two, who rushed to the rescue, met the same fate. All three had underestimated the toxicity levels of the gases inside. "When police arrived, they tied a rope around my waist and asked me to go down to pull out one of the men

who they said seemed to be still alive,” says Rakesh. The noxious cocktail of underground fumes knocked him out in no time but he was pulled out before it could snuff his life out.

Over the last three months in the country’s capital, deaths of 12 such workers have been reported inside manholes and septic tanks. The Delhi government only last month ordered a ban on manual cleaning of sewers. It, nonetheless, makes an exception for “unavoidable circumstances”, when “a written permission is required from a government agency for manual scavenging with proper safety measures”.



Despite the ban, workers are still called to attend to clogged sewers outside homes. At Rohini in North Delhi, workers assemble every morning at 8 am with their crowbars at a chowki, where an idol of Shiva and a trishul stand next to empty liquor bottles.

“We start our workday by first getting drunk at this spot. Recently, an old man set up this small temple so that we stop drinking here. But how can anyone in their senses bear to do this job? Often, the houses that pay us to do the cleaning for them

refuse to even give us water for the fear that we will pollute their utensils,” says Sunil, 28.

The 2013 Act noted that the 1993 law had “not proved adequate in eliminating... manual scavenging”. A closer reading of the law, however, shows that it, in fact, legitimatises the practice of using cheap and expendable Dalit workforce. Instead of insisting on the complete mechanisation of such hazardous cleaning, it states, “a person engaged or employed to clean excreta with the help of... protective gear... shall not be deemed to be a ‘manual scavenger’”.

The obligation of the employers, including that of municipal and government agencies and the railways, is limited to providing protective gear. The contracting of this work allows them to get away even from this obligation.

The Act itself doesn’t mandate what these protective gear are but the rules issued later list some 40 contraptions, including safety goggles and gum boots, full-body wader suit, gas monitor, airline breathing apparatus, search light, among others. Of the many sewer workers The Sunday Express interviewed in UP and Delhi — both those on contract and the municipal employees — not a single one ever recalls wearing any of these. In a store next to the Delhi Jal Board (DJB) head-office in Jhandewalan, officials show off the ‘protective gear’ in stock: two raincoat-like suits, a pair of hand gloves and heavy gumboots.

Ved Prakash, who heads the DJB Sewerage Workers Department Union, says, “It is impossible to enter the sewers wearing any of these as the sludge will easily seep in to the body through these. A compact breathable body suit costs anything upward of Rs 40,000. But when people are willing to strip down and enter the sewer for a few hundred rupees, who would invest on body suits or on machines?” He blames the increasing informalisation of the work that has allowed civic agencies to employ men through contractors and thus escape their own responsibility in case of deaths or when it comes to providing protective gear, training, medical facilities, or decent pay.

“Look at the case of DJB itself. Twenty years ago, it had 8,000 permanent sewer workers; today the numbers are down to 2,200 even as the sewage network has grown manifold to 9,900 km. Even if you take one worker per kilometre, the numbers are grossly inadequate,” says Prakash.

The trouble also lies in the lack of a holistic approach to dealing with the problem and the solution. The Swachh Bharat Mission is implemented by the Ministry of Drinking Water and Sanitation by involving both the ministries of Urban Affairs and Housing as well as Rural Development. The Mission, however, has been policy-blind to the elimination of manual scavenging, which is only possible when the three ministries improve the sewage network and make it mandatory for local bodies to invest on mechanisation, besides ensuring that the livelihood of contract workers is protected. However, the subject of rehabilitation is currently dealt with in a silo by the Ministry of Social Justice.

Data on the Social Justice Ministry's Self Employment Scheme for Rehabilitation of Manual Scavengers reflects this neglect: in 2013-14, Rs 557 crore was allotted for rehabilitating manual scavengers while only Rs 35 crore was spent. In subsequent years, there has been a steady dip in the allocation, and the spending is listed as nil. In 2016-17, the allocation is merely Rs 25 crore.



It's 7.30 am. By now, the muck pouring out of the homes has brought the water levels up to Joney's chest. He finishes with his last manhole for the day half an hour past his deadline. He will spend the rest of his shift, until 2 pm, waiting at the chowki where people come to complain about their clogged sewers. He walks over to a roadside eatery, grabs a hose, some washing powder, and gives himself a good scrub.

In the absence of any protective gear, workers usually slather oil over their bodies before entering the pit. "Our contractor gives us mustard oil once in a while but we take it home. I would rather use it to feed my family," says Titu, looking on as a cycle-rickshaw carrying school girls drives by.

"My daughter will be three next year. I have to get her admitted to a school. This job will stop with me," he says.

Meet Anam- One of the three petitioners seeking criminalisation of marital rape

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<http://indianexpress.com/article/india/meet-anam-marital-rape-survivor-criminal-offence-delhi-high-court-4847094/>

The marital rape law was last revised 68 years ago. As the Centre again argues against criminalising it, this 26-year-old is among the petitioners fighting back. **SHALINI NAIR** on her battle, and the long road leading to it.

[Shalini Nair](#) | September 17, 2017



Call me Anam,” she smiles. “I have always fancied that name.” Anam, meaning blessing in Urdu. Sitting in her lawyer’s office in a South Delhi colony, wearing jeans and a black top, her smile lighting up her bespectacled eyes, she could pass off as a college student. But there is a reason the 26-year-old won’t share her real name.

‘Anam’ is one of the three petitioners in the ongoing Delhi High Court case seeking recognition of marital rape as a criminal offence. She is the only one party to the case as “a marital rape survivor”; the other two petitioners are gender rights organisations RIT Foundation and AIDWA. No one in Anam’s family or among her in-laws, including her husband who has got married again, knows she has filed the case.

Last fortnight, in an affidavit to the court, the Centre explained why it felt that the exception in the rape laws (IPC Section 375) that allows a man to have sexual intercourse with his wife as long as she is at least 15 years old, should stand. “What may appear to be marital rape” to a wife “may not appear so to others”, the Centre said.

This wasn’t the first time someone had tried to underplay the horror of what she went through, Anam says. Not letting her smile slip, she talks about how her husband forced himself on her every night, at times stopping only after she lost consciousness.

“Thoda kum-jyaada hota hai (It may be more or less... These things happen),” her grandmother told her when she confided in her, Anam says. Her mother and mother-in-law asked her to chin up and bear it. Her elder brother warned her against walking out of her marriage, and when she did, severed all ties with her. Anam was in the final year of her Bachelor of Arts course when, in December 2016, her Delhi-based family married her off to a small-time businessman of western Uttar Pradesh. At 26, she was considered old enough. She says her ordeal began the very first night. “It was an arranged marriage. I wanted some time to at least get to know him. I told him so. He did not relent and forced himself on me

repeatedly until I fell unconscious,” she says. For the next month, she dreaded nightfall. “By day, he was hostile to me. At night, he brutalised me. On one occasion, he raped me seven times,” she says. Her health deteriorated, and she says she developed severe abdominal pain and infections.

A couple of weeks after her wedding, when she came to her parents’ house in Delhi for a visit with her husband, she says she told them what was happening. They told her to ignore it. She says she managed to slip out of home on the pretext of taking her brother’s pregnant wife to a gynaecologist. That was the first time she got any medical attention.

“The next day, when we got back home, my husband took the prescription from me but never bought me any medicines,” she says.

Anam says she was not allowed to go out on her own and her mother-in-law took away her mobile phone so that she couldn’t complain to anyone. She could talk to her parents only from her husband’s phone, she claims, and her conversations were recorded.

In mid-January, the couple came to her parents’ home for a wedding. “He threatened to kill me if I complained to anyone. I knew I had no support from my family, so I somehow got in touch with a women’s helpline in Delhi. I slipped out unnoticed with nothing but the clothes I was wearing,” she says.

For the next few months, Anam stayed at Shakti Shalini, a shelter home in Delhi for women victims of domestic abuse. The officials at Shakti Shalini put her in touch with the Human Rights Law Network (HRLN), a group of lawyers who provide legal aid to the disadvantaged. Recently, Anam, who had no documents with her when she fled home, managed to get a copy of her nikahnama from the qazi and filed for divorce, as well as a complaint under the Domestic Violence Act.

Since marital rape itself is not recognised, her divorce petition cites IPC sections pertaining to criminal intimidation and insulting the modesty of a woman. The Domestic Violence Act too, while recognising sexual abuse in a marriage, only offers civil remedy in terms of protection or monetary relief. Marital rape survivors, looking for criminal action, take recourse to IPC sections dealing with causing ‘hurt’, ‘grievous hurt’ or the ‘cruelty’ clause in Section 498A, but the quantum of punishment is way lower than that for rape.

Colin Gonsalves, senior Supreme Court advocate from the HRLN, who is handling Anam's petition, points out that since the act of rape by the husband in itself is not considered a crime, the above IPC sections are often applied only where there are visible injuries on the victim.

"There have been 10 cases of Constitutional law arguments in various common law countries (where laws are established through court judgments rather than statutes) where Supreme Courts and high courts have commented on this unreasonable distinction made between married and unmarried women who are subject to rape. We have cited all those cases to argue how the marital rape exception in India is against the right to equality," says Gonsalves.

The marital rape immunity in the Indian law is a legacy of a pronouncement by Chief Justice Sir Matthew Hale, in *The History of the Pleas of the Crown*. He wrote, "The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract."

This went on to become an enduring principle of the common law adopted by Britain and, thereafter, all its colonies. Laws explicitly criminalising spousal rape were first passed by Scandinavian and Communist bloc countries in the 1930s to 1960s, followed by the common law countries such as Australia, the United States, and South Africa. In 1991, the UK got rid of its marital rape exemption in the wake of the *R vs R* case. Both the Court of Appeal and the House of Lords upheld the conviction of a husband for marital rape, with Lord Keith noting, "Marriage is in modern times regarded as a partnership of equals, and no longer one in which the wife must be the subservient chattel of the husband."

In 2007, South Africa passed a law that said marital or any relationship between the perpetrator and the victim is not a valid defence against crimes of sexual violation. To ensure that judges do not treat such cases with leniency, it further passed a legislation stating that such a relationship should not act as "substantial and compelling circumstance" to deviate from the required minimum sentences for rape.

The Indian Penal Code, however, gives primacy to marital status over consent. The exception in Section 375, which deals with rape, states that sexual intercourse "by a man with his own wife, the wife not being under fifteen years of age, is not

rape”. Where the two are separated, while an act of rape is recognised, it carries a far lesser sentence — Section 376 states that punishment for rape should be seven years to life; Section 376B fixes the punishment for non-consensual sex with a wife who is separated at only two to seven years.

In its affidavit in the Delhi High Court, the Centre justified its stand to not criminalise marital rape on the grounds that it could “become a phenomenon which may destabilise the institution of marriage apart from being an easy tool for harassing the husbands”.

On the contrary, all available data indicates marital rape cases are largely unreported. A 2014 sample survey titled ‘Masculinity, Intimate Partner Violence and Son Preference in India’, by the United Nations Population Fund (UNFPA) and global research institute, International Centre for Research on Women, shows how women have internalised the normalisation of domestic violence. About 31 per cent men surveyed admitted to perpetrating sexual violence on their wives, whereas only 17 per cent women reported having ever experienced sexual violence. The survey attributes the under-reporting by women to the stigma associated with marital rape.

In its affidavit in the Delhi High Court, the Centre cited India’s “unique problems due to various factors like literacy, lack of financial empowerment of the majority of females, mindset of the society, vast diversity, poverty” as the reason to not “blindly” follow western countries in criminalising spousal rape.

Another study, by Aashish Gupta of the Research Institute for Compassionate Economics (a non-profit research group), cites National Health Family Survey data to show that cases of sexual violence by husbands were 40 times higher than incidents of sexual violence by other men. And yet, the reporting of sexual violence within marriage was far lower. Using National Crime Records Bureau data on cases filed under ‘cruelty’, the 2014 study showed that only 0.6 per cent, or one in 167 cases, of sexual violence by husbands was reported to police, while this proportion was 5.8 per cent, or one in 17, in cases of sexual violence by other men.

Anam’s petition has also found support from the Forum to Engage Men (FEM), a network of men for gender equality, which has impleaded in the Delhi High Court case. Their petition seeks that “full personhood of our wives” be

recognised, and states, “Marriage is a partnership of equals, however, men have historically assumed ‘privileges’, including the privilege of having sex at their instance. Most women have been conditioned to accept that.” FEM member Abhijit Das says their petition points out that there are thousands of men who do not want to cling on to their patriarchal gender privileges. “Marriage is an equal-relationship contract and not a one-time consent to everything. This kind of legal exception to the rape laws gives men unequal privilege. We feel this is wrong,” he says.

At the shelter home, Anam enrolled back into BA and gave her final-year exams. Now settled into a rented accommodation, she says, “I first took up a job as a salesgirl at a clothes boutique and have now started stitching clothes at home. At some point, I want to set up my own boutique.”

Recently, Anam also made a friend. In August, Dolly, the counsellor at Shakti Shalini, put her in touch with a new arrival who had escaped a nightmare similar to hers. A 23-year-old, a mother of three, the woman had fled an abusive husband and child marriage. Anam invited her to stay with her. Anam has found her a job in the boutique where she used to work. The 23-year-old’s in-laws keep calling to cajole or threaten her into returning, and it is Anam who fields those calls.

Clad in blue jeans and a chequered red shirt, the soft-spoken woman looks far from a mother of three. “You can use my ghar ka naam (pet name) Karishma,” she says. Only her mother ever called her that, the 23-year-old adds. “I have cut off all ties with her for what she did to me.”

Since Karishma’s “suffering” began when she was 16, her case concerns another contentious aspect of the marital rape exception. The age of consent, as per the Protection of Children from Sexual Offences Act (POCSO Act), 2012, is 18 years. So if an under-18 girl has even consensual sex, the male partner is liable to be prosecuted for rape. But the exception to Section 375 assumes an implied and irrevocable consent of a wife as long as she is 15. Even the Prohibition of Child Marriage Act, 2006, states that marriage between a girl less than 18 years and a boy less than 21 (the respective minimum ages of marriage) is voidable but not void.

Karishma belongs to a Jaipur-based family. Seven years ago, her elder sister eloped with a boy she loved. A month later, Karishma says, her mother took her

and her 14-year-old sister to Alwar on the pretext of visiting their aunt. Karishma says she realised what was happening only when the two were dressed up in wedding finery and ushered into a haldi ceremony. They were being married off to two brothers. Much later, when she got to see their faces, Karishma realised the two grooms were in their 30s.

Their father died long ago, and they have no brothers. Karishma, who was in Class 10 at the time, says her mother wanted to pre-empt any further “shame” to the family.

“On the wedding night, I created a scene, refusing to let my younger sister sleep with her husband. The next day, when we were sent back to our mother’s place as part of the rituals, I gave my mother an ultimatum that I would go back to my in-laws only if my sister was not made to. I arranged to send her to Delhi to a relative’s place. Now she is set to appear for her law exams,” says Karishma, with obvious pride in her voice.

Karishma claims her rebellion came at a price. While she had managed to put off sleeping in her husband’s room for a couple of days after the wedding, she was made to give in by her in-laws. “Mein ek khelti-koodti bachchi thi jab meri jabardasti [shaadi](#) kara di gayi. Itne bade aadmi ko dekh kar bas dar ke maare reh gayi (I was just a child when I was forcefully married off. The sight of that much older man left me scared),” she says, asserting she didn’t resist him out of fear.

Within a year, she had her first child, followed by two others, all daughters. With that, Karishma claims, started the next phase of her ordeal. First came the taunts and then attempts to coerce her into sleeping with her husband’s brother or nephew to bear a son. “I couldn’t stay at my husband’s house any longer. So one night I boarded a bus to Delhi, where a relative put me in touch with the shelter home,” she says.

Dolly, the counsellor at Shakti Shalini, points out why Anam’s is a case of rare courage. “Despite her family repeatedly asking her to ‘adjust’ with her husband, within a month of her marriage, she decided to walk out. Most women who face marital rape, even if they have parental support, give their marriage a try for least a year or two. In cases with no support, they endure it for years. When she came to us in January, she was mentally exhausted and it took two months of counselling for her to be able to put her life back on track,” says Dolly.

About Karishma, the counsellor adds, “It took her seven years to break the chain of violence. Her mother could not stand by her for fear of her extended family.” Recently, Karishma’s sister too made the final break from that forced marriage, Dolly says. “Now a law student, the sister, who had never lived at her in-laws’ house, has filed for divorce.”

Karishma, who is in hiding and not in touch with anyone from her family, including her younger sister, breaks down talking about her three daughters growing up unwanted with her husband and in-laws. In an attempt to console her, Anam tries to distract her. “Can anyone say she is mother to a six-year-old and two others? She is a child herself. I have to teach her the means and ways of this city,” she says, smiling indulgently.

Karishma is Anam’s protégé in more ways than one; the fate of Anam’s case would decide what legal route Karishma would take. A Supreme Court Bench of Justices Madan B Lokur and Deepak Gupta is hearing another petition, filed by an NGO, that argues that provisions of POCSO, meant to protect minors from sexual abuse, should override the Section 375 exception for wives under 18.

In 1860, the exception for spousal rape was first fixed, with the age of wife at over 10 years. In 1890, an 11-year-old bride, Phulmoni Dasi, died following brutal rape by her husband, Hari Mohan Maiti, who was in his mid-30s. The Queen-Empress v. Hari Mohan Maiti case went to the Calcutta High Court, where Phulmoni’s mother deposed how she had found her body, the bedcloth and Maiti all covered in blood. But the British court held that as Phulmoni was 11, Maiti could not be convicted of rape, and he was sentenced to 12 months of hard labour for “causing grievous hurt”.

The widespread outrage that followed led to then viceroy, Lord Lansdowne, presenting the Age of Consent Bill, that raised the age in the exception clause to 12 years. The last revision, to 15 years, took place back in 1949, in response to agitations by women groups against early pregnancies. In the almost 70 years since, the rape law marital exemption in Section 375 has remained untouched.

All three petitions in the Delhi High Court marital rape case challenge the constitutional validity of the exception, citing Articles 14 (equality), 15(1) (no discrimination on basis of sex) and 21 (life and personal liberty). The petitions

point out that marital rape victims are more likely to have endured rape on a daily basis, which leaves long-lasting psychological scars.

The recent privacy judgment by the Supreme Court is also set to play an important role. It talked about how the right to bodily integrity is a crucial facet of Article 21 while citing the *Sucheta Srivastava vs Chandigarh Administration* (2009) order, that had recognised “a woman’s right to refuse participation in sexual activity”.

“Almost all cases of domestic violence that come to us involve rape by husbands. Let alone take the legal route, there are women who quietly endure the torture before they even decide to separate,” says Aditi Saxena, an advocate with the HRLN, describing Anam as the most feisty marital rape survivor they have come across.

Anam says she can’t understand the silent resignation of others. Explaining why she went to court, Anam says, “Maa baap ne saath nahin diya. Par maa baap ne padayaa hai. Sahi galat ka pata hai (My parents didn’t support me. But they gave me education. I know the difference between right and wrong).”

Mapping expenditure: 80% Smart City funds for just 2.7% of city area

Already developed pockets in selected cities will be first to benefit.

Shalini Nair | New Delhi/Pune | June 14, 2017

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Baner is part of the Smart City zone in Pune. Express photo

Eighty per cent of the proposed central government investment in its flagship Smart City mission will flow to well-developed pockets that account for only 2.7 per cent

of the cumulative area of cities identified under the initiative, according to data obtained and analysed by The Indian Express.

With the government set to release the final list of the remaining 40 Smart Cities this month to mark the mission's two-year milestone, data on the 59 cities selected show that what is being created on ground, at least in the first phase, will be small, isolated islands of development.

Data obtained from the Ministry of Urban Development show that of the total Rs 1.31 lakh crore proposed to be spent on the 59 cities from 2015 to 2020, Rs 1.05 lakh crore will be spent on what is called the Area Based Development (ABD) component. This refers to pockets in the selected cities that will be made 'smart' with a combination of IT and infrastructure projects such as WiFi hotspots, sensor-based public lighting, redesign of streets, zones promoting start-ups and multi-modal transit points.

The proposed expenditure on the mission's other component — pan-city projects, or those that cover entire cities — is only Rs 26,141 crore. Besides, the total area of these pockets covered under ABD in the 59 cities is 246 sq km, which is just 2.7 per cent of the total area of these urban local bodies — 9,065 sq km, according to Census 2011.

Consider this:

In Pune, ranked the second best Smart City contender and from where Prime Minister Narendra Modi flagged off the projects last year, Rs 2,196 crore of the estimated Rs 2,870 crore, or 76 per cent, will be channelised into the development of a 3.6 sq km area in the Aundh-Baner-Balewadi pocket, which comprises a little more than one per cent of the city's 276 sq km.

In the No.1 mission city of Bhubaneswar, 90 per cent of the Rs 4,537 crore Smart City funds are proposed to be spent on the Bhubaneswar Town Centre District, a commercial business district that accounts for less than three per cent of the city's area.

In the other three cities in the top five, Jaipur, Surat and Kochi, more than 65 per cent of the funds are proposed to be spent on ABD.

Other cities such as Jabalpur, Visakhapatnam and Indore propose to spend more than 90 per cent of their funds on less than two percent of their city area.

BHUBANESWAR

PANCITY AREA: 135 sq km

ABD AREA: 4 sq km, Bhubaneswar Town Centre District (2.9%)

TOTAL COST	PANCITY COST	ABDCOST
₹4,537 cr	₹442 cr	₹4,095 cr (90%)

PUNE

PANCITY AREA: 276 sq km

ABD AREA: 3.6 sq km, Aundh-Baner-Balewadi (1.3%)

TOTAL COST	PANCITY COST	ABDCOST
₹2,870 cr	₹674 cr	₹2,196 cr (76.5%)

JAIPUR, SURAT & KOCHI, PAGE 2

(Source: Ministry of Urban Development, Census 2011 & Pune Municipal Corporation)

TOP 5: THE OTHER 3

JAIPUR

PANCITY AREA: 485 sq km

ABD AREA: 2.4 sq km, Kishanpole Bazar (0.5%)

TOTAL COST	PAN CITY COST	ABDCOST
₹2,341 cr	₹819 cr	₹1,521 cr (64.9%)

SURAT

PANCITY AREA: 336 sq km

ABD AREA: 8.7 sq km, Surat Textile market (2.5%)

TOTAL COST	PAN CITY COST	ABDCOST
₹2,597 cr	₹795 cr	₹1,802 cr (69.3%)

KOCHI

PANCITY AREA: 107 sq km

ABD AREA: 7 sq km, central city-Fort Kochi-Mattancherry (6.5%)

TOTAL COST	PAN CITY COST	ABDCOST
₹2,076 cr	₹691 cr	₹1,385 cr (66.7%)

(Source: Ministry of Urban Development, Census 2011 & Pune Municipal Corporation)

Over the five-year mission period, the Central government will give Rs 500 crore to each Smart City while the state and local body will pool in an equivalent amount with the rest of the money coming from private firms and other sources. However, the mission's guidelines prohibit capital expenditure on infrastructure on a pan-city basis and allow it only in case of the ABD component.

Under the pan-city component, cities can only look at the application of technology to one particular aspect of the infrastructure. The rules ensure that cities put in much of the money in areas that are already developed so as to create "demonstrable projects" instead of investing on city-wide infrastructure.

The Indian Express analysed the plan for Pune where the proportion of the urban population on which a majority of the expenditure will be made under ABD is 40,000, which is one per cent of the city's estimated population of 40 lakh.

Here, the once peripheral Baner-Balewadi, which caters to the spillover from the IT segment that has been settling in nearby Aundh since the 1990s, has witnessed an exponential real estate growth from the time it hosted the 2008 Commonwealth Youth Games.

Under the ABD, Aundh-Baner-Balewadi is proposed to get a redesign of a few streets, bicycle lanes, 100 electric buses, express airport service, 3.5 km riverfront development, Bus Rapid Transport and zones promoting start-ups.

Besides, a multi-modal transit hub would be created in Balewadi by a private developer who would be allowed to monetise part of the public land for commercial complexes, hotels and multiplexes. It will also have Information and Communications Technology (ICT) projects such as 'smart' electricity grids and the laying of fibre optics worth Rs 146 crore.

The residual Rs 670 crore for the pan-city component will be spent entirely on ICT and Internet of Things (IOT) projects. It would include a Rs 150-crore IT connectivity project for a Command and Control Centre, 200 WiFi hotspots, sensors for monitoring environment and visibility, and public announcement systems.

"The IT infrastructure and services for pan-city would be provided through a consortium of L&T, Google, IBM and RailTel. Citizens will be able to access free WiFi services for the first half hour or up to 50 MB of data. The operators would earn their revenue either through user charge or advertising," said an official from the Pune Municipal Corporation (PMC).

In addition to the Rs 2,870 crore estimated Smart City spending, of which Rs 1,000 crore would come through budgetary provisions made by the Centre, state and urban local body, funds would be generated through private involvement. The returns would be recovered through revenue sharing models which would also involve higher user charges or monetisation of public land.

On Tuesday, Union Urban Development Minister M Venkaiah Naidu announced that PMC would be listed this month on the Bombay Stock Exchange as a precursor to floating municipal bonds as one of the means to finance the Smart City mission.

“The Smart City mission is not meant for city improvement but caters to the interests of real estate and technology players. A majority of Smart City projects are targeted at people who can pay additional revenue to private players and the local government. This is one of the reasons for choosing the Aundh-Baner-Balewadi belt, which has residential complexes for those with a higher disposable income,” said Anupam Saraph, a visiting professor of Systems Science at Pune University and an Aundh resident.

Saraph said the changes that are being made as part of the mission are “purely cosmetic” that glosses over the infrastructure gaps.

For instance, the ABD region selected for Pune has a measly four per cent open space. Even so, empty plots that could be turned into green lungs are being concretised under the “place-making project” at an average cost of Rs 1 crore each so as to have WiFi stations, e-learning centres, food and beverages operators, gazebos and reflexology walkways. A stated intent of the project is “creating opportunities for corporate digital marketing”.

Asked about the concentration of funds on small areas, Pune Municipal Commissioner Kunal Kumar said, “That is the perception, which is being created. Over and above public funding, what is being spent on ABD is being raised from that area itself. For instance, we will be developing the transit hub entirely through private participation. If you can create models that finance themselves through land monetisation or PPP, it becomes a replicable model for other areas.”

OP-ED

The Too Smart City

Written by [Shalini Nair](#) | Updated: June 26, 2017 12:07 am

In a phantasmagorical rendering of the future of urban space that's increasingly being made sentient through information technology, the Architectural League of New York held an exhibition in 2009 on the 'Too Smart City'. Through "smart" public benches that respond to the issue of homelessness by toppling those resting on them for too long and "smart" bins that can squirt out the wrong kind of trash back at the person, architects and artists showed how the Smart City is just a step away from a dystopian nightmare.

While this might be one of the worst-case scenarios, with the Indian Smart City mission's tantalising promise to transform 100 cities, perhaps, now is a good time to consider two issues: Whether the path it has chosen to leapfrog to the level of urbanisation in the developed nations entails creation of uneven geographies. And whether Indian cities, lacking in the most basic infrastructure, are ready to be restructured by technology.

In his book 'Smart Cities: Big Data, Civic Hackers, and the Quest for a New Utopia', urbanist Anthony Townsend defines Smart Cities as "places where information technology is combined with infrastructure, architecture, everyday objects, and our own bodies to address social, economic, and environmental problems". A growing cause of worry among Smart City critics in the West has been how big data is a veritable goldmine for data thieves and a surveillance tool for governments and private firms involved. For urban planners, a greater concern is an urbanisation process that accords primacy to technology — a field where the private sector has unchallenged monopoly — over the basic needs of the city. The most defining feature of the Smart City mission in India is this: It not only looks at application of technology but also ensures that physical infrastructure of cities, which owing to considerations of social equity, were until now serviced almost entirely by local governments, are redesigned to create space for domestic

and international capital. Already the model has thrown up numbers that show that almost 80 per cent of the funds are being channelised to less than three per cent area of the 59 mission cities. These are mostly well-off enclaves that already have decent infrastructure in place and are more likely to yield a dividend for private investors.

Several Smart Cities of the West have been officially conceptualised as “living labs”, that is, incubators for developing patentable and exportable devices for private firms. The UK Trade & Investment pegs the market for Smart City products and services at more than £ 900 billion by 2020. India is, no doubt, poised to be one of the largest market for the products developed by technology vendors in these “living labs”.

The issue is not only the parachuting of consulting firms and vendors for local IT and infrastructure solutions, but that such private partnerships would necessitate a return on investments unconstrained by concerns of social equity or justice. The abolition of octroi, the once largest source of municipal revenue for many cities, has had a debilitating impact on the fiscal sovereignty of urban local bodies. The Smart City mission further bypasses democratic processes by executing projects through Special Purpose Vehicles wherein private corporations can have up to 40 per cent share-holding.

As a corollary, the Union government has made it clear that increased user charges on essential services is the only way forward. Unlike octroi, this hits every citizen irrespective of their income level.

The catchphrase ‘Smart Cities’ latched on to the Indian imaginary when barely a fortnight after assuming office, Prime Minister [Narendra Modi](#) spelled out his ambitious plan of creating 100 such cities where the focus shifts from “highways to i-ways”. It is alright to overlay the city’s infrastructure with technology but, for starters, adequate infrastructure must be in place at a city-wide level. Smart Cities might be an inexorable, and even necessary, step in the process of urbanisation but gentrification doesn’t have to be the default route.

Official data shows that merely half of the urban households have water connections, a third have no toilets, the national average for sewage network coverage is a low 12 per cent, and on an average only about 10 per cent of the

municipal solid waste is segregated. Public transportation and public schools and hospitals are woefully disproportionate to the population densities within cities. Unless this urban entropy is addressed first, an overbearing emphasis on application of digital technology or developing smaller areas in an attempt at instant urbanism can have disastrous socio-spatial consequences.